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	:	14 Cr. 68 (KBF)
UNITED STATES OF AMERICA	:	
	:	<b>NOTICE OF MOTION</b>
	:	<b>IN SUPPORT OF</b>
- against -	:	<b>DEFENDANT ROSS</b>
	:	<b>ULBRICHT’S PRE-TRIAL</b>
ROSS ULBRICHT,	:	<b>MOTIONS AIMED AT THE</b>
Defendant.	:	<b><u>SUPERSEDING INDICTMENT</u></b>
	:	
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**PLEASE TAKE NOTICE**, that upon the annexed Declaration of Joshua L. Dratel, Esq., and all prior papers and proceedings herein, the defendant, ROSS ULBRICHT, will move before the Honorable Katherine B. Forrest, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, at a time and date to be set by the Court, or as soon thereafter as counsel may be heard, for the following relief:

- (a) an Order dismissing Counts One through Four of the Superseding Indictment because those Counts present inconsistent and irreconcilable theories as to Mr. Ulbricht’s alleged role in the commission of the charged narcotics offenses, thus depriving Mr. Ulbricht of “fundamental fairness” in the judicial process and violating his Sixth Amendment due process rights;
- (b) an Order directing the Government to produce the requested Bill of Particulars, including those additional particulars in relation to the new charges and allegations set forth in the Superseding Indictment; and

for any such other and further relief, including relief pursuant to Mr. Ulbricht's prior pre-trial motions challenging the face of the Indictment (Dkt #26) and to suppress certain evidence, to strike surplusage from the Indictment, and for discovery, a Bill of Particulars, and exculpatory material pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny (Dkt #48), which to the Court seems just and proper.

Dated: New York, New York  
2 October 2014

/S/ Joshua L. Dratel  
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*Attorneys for Defendant Ross Ulbricht*

To: CLERK OF THE COURT

UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF NEW YORK

ALL DEFENSE COUNSEL